

**CHAPTER NO. 851**

**HOUSE BILL NO. 2350**

**By Representative Briley and Mr. Speaker Naifeh and Representatives Sontany, Kernell, Marrero, Maddox, Davidson, West, Shaw, Walker, Hackworth, Larry Turner, Head, Garrett, McDonald, Harrison, Newton, McKee, Brenda Turner, Eldridge, Hargett, Sargent, Patton, Litz, Davis, Cochran, Windle, Crider, Pinion, Shepard, Vaughn, Montgomery, Buttry, Brown, Mumpower, Hood, Armstrong, Langster, Black, Stanley, McDonald, Kent, Pleasant, Odom, Pruitt, Fraley, Sherry Jones, Garrett, Hargrove, Todd, Lynn, Rinks, Mike Turner, Harmon, Ferguson, Ulysses Jones, McMillan, Bone, Baird, Hensley, Vincent, Henri Brooks, Yokley, DuBois, Overbey, Fitzhugh, Wood, Harry Brooks, John DeBerry**

**Substituted for: Senate Bill No. 2520**

By Senators Kilby, Cohen, McLeary, Herron, Fowler, Burks, Atchley, Beavers, Bryson, Burchett, Clabough, Cooper, Crowe, Crutchfield, Dixon, Ford, Graves, Harper, Haynes, Henry, Jackson, Ketron, Kurita, Kyle, McNally, Miller, Norris, Person, Ramsey, Southerland, Trail, Williams and Mr. Speaker Wilder

AN ACT to amend Tennessee Code Annotated, Title 71, relative to adjustment and funding of an allowance to meet the personal needs of TennCare nursing home residents.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following language as a new, appropriately designated section:

In determining the amount of an eligible individual's income available for the cost of long-term nursing home care authorized under this part on or after January 1, 2005, a deduction shall be made from the person's total income in the amount of forty dollars (\$40.00) per month to be treated as a personal needs allowance within the meaning of applicable federal regulations.

SECTION 2. The department of health is directed to develop recommendations to protect nursing home residents from vendors and others who would seek to provide inappropriate or unneeded goods and services, or otherwise divert personal needs allowance funds for uses other than those meeting residents' personal needs.

The recommendations will be provided to the respective health and human resources committees of the general assembly by December 15, 2004.

SECTION 3. This shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004



JIMMY NAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES



JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of June 2004



PHIL BREDESEN, GOVERNOR